

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KORI THOMAS,
Plaintiff,

v.

CITY OF CHESTER,
POLICE OFFICER JAMISON ROGERS,
and JOHN DOES, Badge No. Unknown,
Defendants.

CIVIL ACTION

NO. 15-3955

O R D E R

AND NOW, this 21st day of March, 2016, upon consideration of defendants' Partial Motion to Dismiss Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) (Doc. No. 6, filed October 8, 2015), plaintiff's Response to Defendants' Motion to Dismiss (Doc. No. 7, filed October 22, 2015), and defendants' Reply Brief in Support of Motion to Dismiss Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) (Doc. No. 8, filed October 24, 2015), for the reasons set forth in the accompanying Memorandum dated March 21, 2016, **IT IS ORDERED** that defendants' Partial Motion to Dismiss is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. That part of defendants' Motion to Dismiss which seeks dismissal of Count I of the First Amended Complaint is **GRANTED**. Count I of the First Amended Complaint is **DISMISSED WITH PREJUDICE**.
2. That part of defendant's Motion to Dismiss which seeks dismissal of plaintiff's claims against the individual defendants in their official capacities included in Counts II, III, and IV of the First Amended Complaint is **GRANTED**. The claims against the individual defendants in their official capacities are **DISMISSED WITH PREJUDICE**.

3. That part of defendant's Motion to Dismiss which seeks dismissal of plaintiff's *Monell* claim asserted in Count V of the First Amended Complaint against defendant City of Chester is **GRANTED**. The *Monell* claim against defendant City of Chester is **DISMISSED WITHOUT PREJUDICE** to plaintiff's right to amend the *Monell* claim in a second amended complaint within twenty (20) days of the entry of this Order if warranted by the facts and applicable law.

4. Defendant's Motion to Dismiss is **DENIED IN ALL OTHER RESPECTS**.

IT IS FURTHER ORDERED that a preliminary pretrial conference will be scheduled in due course.

BY THE COURT:

/s/ **Hon. Jan E. DuBois**

DuBOIS, JAN E., J.